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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-646**

12 **JOAN MOORE GEYER**
164 Wyer Road
13 Arbuckle, CA 95912
14 **Registered Nurse License No. 493285**

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 2. On or about August 31, 1993, the Board issued Registered Nurse License Number
22 493285 to Joan Moore Geyer ("Respondent"). Respondent's registered nurse license was in full
23 force and effect at all times relevant to the charges brought herein and will expire on May 31,
24 2011, unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761, subdivision (a), states, in pertinent part, that the Board may take
8 disciplinary action against a certified or licensed nurse or deny an application for a certificate or
9 license for unprofessional conduct.

10 6. Code section 2762 states, in pertinent part:

11 In addition to other acts constituting unprofessional conduct within the
12 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
person licensed under this chapter to do any of the following:

13 (a) Obtain or possess in violation of law, or prescribe, or except as
14 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
himself or herself, or furnish or administer to another, any controlled substance as
15 defined in Division 10 (commencing with Section 11000) of the Health and Safety
Code or any dangerous drug or dangerous device as defined in Section 4022.

16 (b) Use any controlled substance as defined in Division 10 (commencing
17 with Section 11000) of the Health and Safety Code, or any dangerous drug or
dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
18 in a manner dangerous or injurious to himself or herself, any other person, or the
public or to the extent that such use impairs his or her ability to conduct with safety to
19 the public the practice authorized by his or her license.

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21 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
unintelligible entries in any hospital, patient, or other record pertaining to the
22 substances described in subdivision (a) of this section.

23 7. Code section 4022 states:

24 "Dangerous drug" or "dangerous device" means any drug or device
unsafe for self-use in humans or animals, and includes the following:

25 (a) Any drug that bears the legend: "Caution: federal law prohibits
26 dispensing without prescription," "Rx only," or words of similar import.

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1 (b) Any device that bears the statement: "Caution: federal law restricts
2 this device to sale by or on the order of a -----," "Rx only," or words of similar
import, the blank to be filled in with the designation of the practitioner licensed to use
or order use of the device.

3 (c) Any other drug or device that by federal or state law can be lawfully
4 dispensed only on prescription or furnished pursuant to Section 4006.

5 8. Code section 4060 states, in pertinent part:

6 No person shall possess any controlled substance, except that furnished to
7 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
8 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to
9 Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist
pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
10 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052 . . .

11 9. Health and Safety Code section 11170 states that no person shall prescribe,
12 administer, or furnish a controlled substance for himself.

13 10. Health and Safety Code section 11173, subdivision (a), states, in pertinent part, that
14 "[n]o person shall obtain or attempt to obtain controlled substances, or procure or attempt to
15 procure the administration of or prescription for controlled substances, (1) by fraud, deceit,
16 misrepresentation, or subterfuge . . ."

17 COST RECOVERY

18 11. Code section 125.3 provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licentiate found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 CONTROLLED SUBSTANCES AND DANGEROUS DRUGS AT ISSUE

23 12. "Demerol", a brand of meperidine hydrochloride, a derivative of pethidine, is a
24 Schedule II controlled substance as designated by Health and Safety Code section 11055,
25 subdivision (c)(17).

26 13. "Benadryl," a brand of diphenhydramine hydrochloride, is a dangerous drug within
27 the meaning of Business and Professions Code section 4211 in that it requires a prescription
28 under federal law.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Diversion, Possession, and Self-Administration of Controlled Substances)**

3 14. Respondent is subject to disciplinary action pursuant to Code section 2761,
4 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
5 subdivision (a), in that in and between April and May 2008, Respondent did the following:

6 **Diversion of Controlled Substances:**

7 a. Respondent obtained the controlled substance Demerol by fraud, deceit,
8 misrepresentation, or subterfuge, in violation of Health and Safety Code section 11173,
9 subdivision (a), as follows: On and between April 1, 2008, and May 22, 2008, while employed
10 and on duty as the Procedure Center/Gastro Supervisor at Sutter North Surgery Center located in
11 Yuba City, California, Respondent stole various quantities of Demerol from the center's central
12 inventory for her personal use and falsified or altered the controlled drug inventory records to
13 conceal her diversion of the controlled substance.

14 **Possession of Controlled Substances:**

15 b. On and between April 1, 2008, and May 22, 2008, Respondent possessed various
16 quantities of the controlled substance Demerol, as set forth in subparagraph (a) above, without a
17 valid prescription from a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic
18 doctor, in violation of Code section 4060.

19 **Self-Administration of Controlled Substances:**

20 c. In and between April and May 2008, Respondent self-administered various quantities
21 of Demerol without lawful authority therefor, as set forth in paragraph 15 below.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Use of Controlled Substances and Dangerous Drugs to an Extent**
24 **or in a Manner Dangerous or Injurious to Oneself and Others)**

25 15. Respondent is subject to disciplinary action pursuant to Code section 2761,
26 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
27 subdivision (b), in that in or about 2006 and in and between April and May 2008, Respondent
28 used the dangerous drug Benadryl and controlled substance Demerol to an extent or in a manner

1 dangerous or injurious to herself and/or others, as follows: In or about 2006, while employed and
2 on duty as an emergency room nurse at Fremont-Rideout Memorial Hospital located in
3 Marysville, California, Respondent stole various quantities of liquid Benadryl from the hospital
4 supply for her personal use and would inject the dangerous drug in her buttocks while at home.
5 Respondent resigned from her employment at the hospital and entered a 30 day in-patient
6 treatment program. Shortly thereafter, Respondent accepted the position as Procedure
7 Center/Gastro Supervisor at Sutter North Surgery Center. In and between April and May 2008,
8 Respondent diverted various quantities of Demerol from the center for her personal use, as set
9 forth in subparagraph 14 (a) above, and used 100 mg of Demerol per day. Respondent injected
10 herself in the buttocks with 2 shots of Demerol each night.

11 THIRD CAUSE FOR DISCIPLINE

12 (False Entries in Hospital/Patient Records)

13 16. Respondent is subject to disciplinary action pursuant to Code section 2761,
14 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
15 subdivision (e), in that on and between April 1, 2008, and May 22, 2008, while employed and on
16 duty as the Procedure Center/Gastro Supervisor at Sutter North Surgery Center located in Yuba
17 City, California, Respondent falsified, or made grossly incorrect, grossly inconsistent, or
18 unintelligible entries in hospital, patient, or other records pertaining to the controlled substance
19 Demerol, as set forth in subparagraph 14 (a) above.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 493285, issued to Joan
24 Moore Geyer;

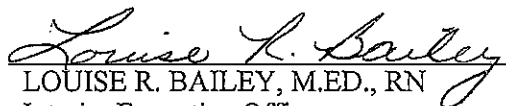
25 2. Ordering Joan Moore Geyer to pay the Board of Registered Nursing the reasonable
26 costs of the investigation and enforcement of this case, pursuant to Business and Professions
27 Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 6/17/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant